

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

TIMOTHY E. KELLY,)	
)	Case No. 3:23-cv-24
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Debra C. Poplin
JERRY SPANGLER and)	
STACEY OATS,)	
)	
<i>Defendants.</i>)	

JUDGMENT ORDER

For the reasons set forth in the memorandum opinion filed herewith:

1. Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 8) is **GRANTED**;
2. Plaintiff is **ASSESSED** the civil filing fee of \$350.00;
3. The custodian of Plaintiff's inmate trust account is **DIRECTED** to submit the filing fee to the Clerk in the manner set forth in the accompanying memorandum opinion;
4. The Clerk is **DIRECTED** to provide a copy of the memorandum opinion and this order to the custodian of inmate accounts at the institution where Plaintiff is now confined and the Court's financial deputy;
5. Even liberally construing the complaint in favor of Plaintiff, it fails to state a claim upon which relief may be granted under § 1983;
6. Accordingly, this action is **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A;
7. Because the Court **CERTIFIED** in the memorandum opinion that any appeal from this order would not be taken in good faith, should Plaintiff file a notice of appeal, he is **DENIED** leave to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24; and
8. The Clerk is **DIRECTED** to close the file.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ LeAnna R. Wilson

CLERK OF COURT